

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:02CR194</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>ORDER</b>
<b>vs.</b>	)	
	)	
<b>JUAN MEDINA-ALVAREZ,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the memorandum of the Clerk (Filing No. 113) relating in part to the possibility of the Defendant pursuing in forma pauperis before the Eighth Circuit Court of Appeals.

The Defendant had retained counsel in this Court. The Court has not received an appeal fee or an inmate trust account statement. (Filing No. 113). The Defendant has asked for reconsideration of the Court's decision on initial review denying his motion to vacate his sentence brought pursuant to 28 U.S.C. § 2255. (Filing No. 107.) The motion to vacate was filed out of time. The Court construed the Notice of Appeal (Filing No. 112) as a request for a certificate of appealability, and denied the request. (Filing No. 114.)

IT IS ORDERED that the Defendant is denied in forma pauperis status on appeal.

DATED this 9<sup>th</sup> day of May, 2005.

BY THE COURT:

s/Laurie Smith Camp  
Laurie Smith Camp  
United States District Judge